

establish and organize a municipality to be known and designated as the City of Tallahassee and to define its territorial boundaries and to provide for its government, jurisdiction, powers, franchises and privileges.

Mr. Calkins moved that the Senate do now adjourn until 10 o'clock tomorrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned to 10 o'clock a. m., Thursday, May 4, 1911.

## THURSDAY, MAY 4, 1911.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Henderson, Hilburn, Hosford, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—27.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 3rd was dispensed with.

The Journal of May 3rd was corrected, and approved as corrected.

Mr. Cook moved that inasmuch as the Secretary had called his attention to the fact that on page 25 of the Senate Journal of April 27 that Senate Bill No. 120 shows only a partial title that in the Journal of April 27, on page 25, the title of Senate Bill No. 120 be corrected so as to read as follows:

Senate Bill No. 120:

A Bill to be entitled An Act providing that in actions on insurance policies, a substantial compliance with the terms, conditions and warranties of such policies, shall be deemed sufficient, providing that actions may be maintained to recover on insurance policies against the company, or the sureties on the bond required by the laws of this State, within the period prescribed by law, for

bringing actions on promises in writing, declaring any provision in any policy to the contrary void; providing that in actions upon policies of insurance, if the plaintiff shall suffer a non-suit, or if judgment be arrested or reversed such plaintiff may commence a new action, any stipulation in the policy to the contrary notwithstanding; providing that no oral or written misrepresentation by assured or on his behalf shall be material or avoid the policy, unless such misrepresentation is made with intent to deceive and defraud, or unless the matter misrepresented increases the risk; defining insurable interest in property, in what such insurable interest may consist, the measure of such interest, and providing when such interest must exist, and providing that no policy of insurance issued by any fire insurance company doing business in this State shall be voided by foreclosure proceedings commenced or notice given of the sale of any property covered by such policy by virtue of any mortgage or trust deed.

Which was unanimously agreed to, and the correction was made.

#### REPORTS OF COMMITTEES.

Mr. Adkins, Acting Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 4, 1911.

*Hon. F. P. Cone,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 133:

An Act to authorize the State Board of Health of Florida to employ a sanitary engineer whenever the said board may consider the necessities of sanitation in and about the State may so require, and to further provide for his compensation.

Also—

House Bill No. 350:

An Act to legalize and validate ordinance adopted by the City Council of the City of South Jacksonville on the 18th day of March, A. D. 1911, and approved by the Mayor of said city on the 20th day of March, A. D. 1911.

Also—

House Concurrent Resolution No. 18:

A Concurrent Resolution relating to the taxes for 1911 on the tract of land purchased for use as a State Prison Farm.

Also—

House Concurrent Resolution No. 22:

Memorializing Congress to build good roads.

Also—

House Bill No. 248:

An Act relating to the incorporation of the Town of Crescent City, fixing its boundaries, conferring on said town all the powers and privileges incident thereto under the laws of the State of Florida.

Begs to report that the same have been duly signed by the Speaker and Chief Clerk of the House of Representatives and are herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

A. Z. ADKINS,

Acting Chairman of Committee.

By permission—

Mr. Adkins, Acting Chairman of the Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 4, 1911.

*Hon. F. P. Cone,*

*President of the Senate.*

Sir:

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 112:

An Act relating to the drainage of certain lands in Putnam County, Florida; establishing a drainage district; creating a Board of Drainage Commissioners and prescribing its powers and duties; establishing a drainage system by the cutting of canals and constructing and maintaining canals and levees for the purpose of drainage; levying a drainage tax; relating to the assessment of lands to be drained and benefited; the collection of necessary funds by assessment of benefits and taxation

of lands within said drainage district for the drainage and improvement of said lands and for the exercise of the right of Eminent Domain.

Has carefully examined the same and finds it correctly enrolled.

Very respectfully,

A. Z. ADKINS,

Acting Chairman of Committee.

The Act contained in the above report was referred to the Joint Committee on Enrolled Bills.

### INTRODUCTION OF BILLS.

By Mr. Flournoy—

Senate Bill No. 357:

A Bill to be entitled An Act to make uniform the law relating to the sale of goods.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Adkins—

Senate Bill No. 358:

A Bill to be entitled An Act to organize a municipal government for the Town of Brooker, in the County of Bradford, State of Florida, and to provide for its government.

Which was read the first time by its title and was placed on the Local Calendar of Bills on Second Reading.

By Mr. Dayton—

Senate Bill No. 359:

A Bill to be entitled An Act relating to sales of real estate and the consummation thereof, had upon application of administrators and executors, without taking possession thereof as provided in Section 2414 of the General Statutes of the State of Florida of 1906, and validating such sales heretofore made.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Baker—

Senate Bill No. 360:

A Bill to be entitled An Act to abolish the present municipal government of the Town of Green Cove Springs, Florida, and to organize a commission form of government for said town, and to provide its jurisdiction and powers.

Which was read the first time by its title and was placed on the Local Calendar of Bills on the Second Reading.

By Mr. Hilburn—

Senate Bill No. 361:

A Bill to be entitled An Act to require the County Commissioners of the several counties in the State of Florida to give bonds to secure a faithful discharge of their official duties.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Hilburn (by request)—

Senate Bill No. 362:

A Bill to be entitled An Act in relation to the liability of insurance companies in the State of Florida, and providing for attorneys' fees in suits against the same.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Stokes—

Senate Bill No. 363:

A Bill to be entitled An Act to fix the salary of the Comptroller of this State.

Which was read the first time by its title and referred to the Committee on Appropriations.

By Mr. Hosford—

Senate Bill No. 364:

A Bill to be entitled An Act for the relief of M. A. Schuler.

Which was read the first time by its title and referred to the Committee on Claims.

## MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida, Executive Dept.,  
Tallahassee, Fla., May 3, 1911.

*Gentlemen of the Legislature:*

I have the honor to recommend the passage of the following bill:

A Bill to be entitled An Act relative to homestead on certain lands belonging to the trustees of the Internal Improvement Fund, and repealing Section 626 of the General Statutes of the State of Florida, relating to the right of pre-emption.

A bill has been prepared, embracing many of the details required by the United States Government in the homesteading of lands. This bill has been submitted to the trustees of the Internal Improvement Fund and is unanimously endorsed by them

I would also recommend the passage of an act amending Section 3262 of the General Statutes of the State of Florida, relative to carrying concealed weapons. This act now embraces a minimum penalty. This often works as a hardship. The Judge should be allowed some discretion in the matter. I recommend that this act be so amended by striking out this minimum penalty.

Very respectfully,

ALBERT W. GILCHRIST,  
Governor.

And the message from the Governor was referred to the Committee on Judiciary A.

A Communication was read from Tampa District Conference accompanying resolutions of that body relative to temperance and morals.

The same was referred to the Committee on Temperance.

# MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 3, 1911.

*Hon. F. P. Cone,*  
*President of the Senate.*

*Sir:*

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 13:

A Bill to be entitled An Act to amend Section 378 of the General Statutes of the State of Florida, relating to pay of Grading Committee.

Also—

Committee Substitute for House Bill No. 204:

A Bill to be entitled An Act to regulate and prescribe the practice of attorneys in criminal cases.

Also—

House Bill No. 118:

A Bill to be entitled An Act to provide for the payment of the present indebtedness of the Florida State Reform School.

Also—

House Bill No. 242:

A Bill to be entitled An Act making an appropriation for the purchase of a silver service for the Battleship Florida.

Also—

House Bill No. 150:

A Bill to be entitled An Act to enable cities, towns and villages incorporated under any general or special law of this State, to fix rates and charges for the supply of electricity and gas for the purpose of illuminating, heating, supplying motive power, or any other purpose for which electricity or gas may be used, furnished by any individual, company or corporation to any such city, town or village, and the inhabitants thereof, within the corporate limits of such city, town or village.

Also—

Senate Bill No. 135:

A Bill to be entitled An Act relating to judgments and decrees of the Court of Record in and for Escambia County.

Also—

House Concurrent Resolution No. 21:

Relating to requesting the President to issue pardons for W. S. Harlan et al.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 13, contained in the above message, was read the first time by its title and was referred to the Committee on Education.

And Committee Substitute for House Bill No. 204, contained in the above message, was read the first time by its title.

Mr. Adkins moved to waive the rules and that Committee Substitute for House Bill No. 204 be not referred to a committee, but that it be placed on the Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

And the bill was so placed.

And House Bill No. 118, contained in the above message, was read the first time by its title and was referred to the Committee on Appropriations.

And House Bill No. 242, contained in the above message, was read the first time by its title and was referred to the Committee on Appropriations.

And House Bill No. 150, contained in the above message, was read the first time by its title and was referred to the Committee on Judiciary A.

And Senate Bill No. 135, contained in the above message, was read the first time by its title and was referred to the Committee on Enrolled Bills.

And House Concurrent Resolution No. 21, contained in the above message, was read the first time by its title and was referred to the Committee on Enrolled Bills.



House of Representatives,  
Tallahassee, Fla., May 3, 1911.

*Hon. F. P. Cone,*  
*President of the Senate.*

*Sir:*

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 62:

A Bill to be entitled An Act providing for the employing of a janitor for the capitol building, prescribing his duties and providing for his compensation.

Also—

House Bill No. 101:

A Bill to be entitled An Act to amend Section 1496 of the General Statutes of Florida relating to instructions and charges to juries by the Judges of the several courts of the State of Florida.

Also—

House Bill No. 157:

A Bill to be entitled An Act to prevent the detention, by debt or otherwise, of female persons in houses of prostitution or other places where prostitution is practiced or allowed, and providing for the punishment thereof.

Also—

Committee Substitute for—

House Bill No. 107:

A Bill to be entitled An Act to establish, maintain and operate a hog cholera serum plant, to authorize the Board of Control to make rules for the production and distribution of said serum, and to make appropriations therefor.

Also—

House Bill No. 168:

A Bill to be entitled An Act relating to and authorizing the sale of property by warehousemen, wharfingers and common carriers under specified circumstances, and providing for the disposition of the proceeds thereof, and to

amend Sections 3127 and 3128 of the General Statutes of the State of Florida relating thereto.

Also—

House Bill No. 180:

A Bill to be entitled An Act to repeal Chapter 5923 of the Laws of the State of Florida, which provides for the stay of execution of sentence or fine in Justice of the Peace and County Judges' Courts.

Also—

House Bill No. 203:

A Bill to be entitled An Act to amend Section 2774 of the General Statutes of the State of Florida, the same being relative to decrees and judgments against insurance companies and the allowance of solicitors or attorneys' fees against insurance companies.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 62, contained in the above message, was read the first time by its title and was referred to the Committee on Appropriations.

And House Bill No. 101, contained in the above message, was read the first time by its title and was referred to the Committee on Judiciary A.

And House Bill No. 157, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

And House Bill No. 107, contained in the above message, was read the first time by its title and was referred to the Committee on Public Health.

And House Bill No. 168, contained in the above message, was read the first time by its title and was referred to the Committee on Judiciary B.

And House Bill No. 180, contained in the above message, was read the first time by its title and was referred to the Committee on Judiciary B.

And House Bill No. 203, contained in the above message, was read the first time by its title and was referred to the Committee on Judiciary B.

## ORDERS OF THE DAY.

By the Committee on Judicial Circuits—

Senate Bill No. 209 (and Substitute) :

A Bill to be entitled An Act to amend Sections 1796 and 1797 of the General Statutes of the State of Florida, and repealing Sections 1798, 1799, 1800, 1801, 1802, 1803 and 1804 of the General Statutes of the State of Florida, relative to the number of judicial circuits in the State of Florida, and the counties composing the same.

Also the substitute thereto offered by Mr. Johnson on May 2, 1911, and which is now pending on a motion to adopt the same.

Were taken up for consideration.

Mr. Johnson moved that the pending substitute be read by sections, except Section 1.

Mr. Massey objected and asked that Section 1 be read.

Mr. Johnson included Section 1 in his motion.

The motion to read the substitute by sections was agreed to.

Section 1 of the substitute was read:

Mr. Massey offered the following amendment to—

Substitute for Senate Bill No. 209:

In Section 1, line 1 of printed substitute, strike out the word "eleven," and insert in lieu thereof the following: "Thirteen."

Mr. Massey moved the adoption of the amendment.

Upon which the yeas and nays were demanded.

The roll was then called and the following was the vote:

Yeas—Senators Cook, Dayton, Hudson, Humphries, L'Engle, Massey, McMullen, Perkins, Sloan, Stokes, Withers—11.

Nays—Mr. Speaker, Senators Adkins, Broome, Calkins, Carney, Davis, Finlayson, Henderson, Hilburn, Hosford, Johnson, Malone, McCreary, McLeod, Miller, Wilson, Zim—17.

So the amendment was not agreed to.

Mr. Humphries offered the following amendment to Substitute for Senate Bill No. 209:

In Section 1, line 1, strike ou the word "Eleven," and insert in lieu thereof the following: "Twelve."

Mr. Humphries moved the adoption of the amendment.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Mr. President, Senators Carney, Cook, Dayton, Hudson, Humphries, L'Engle, Malone, Massey, McMullen, Perkins, Sloan, Withers—13.

Nays—Senators Adkins, Broome, Calkins, Davis, Finlayson, Henderson, Hilburn, Hosford, Johnson, McCreary, McLeod, Miller, Stokes, Wilson, Zim—16.

So the amendment was not agreed to.

Mr. Massey moved that the Senate take a recess to 4 o'clock this afternoon.

Which was agreed to.

Whereupon the Senate took a recess until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

Thursday 4 O'clock, May 4, 1911.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Withers, Zim—25.

A quorum present.

The consideration of Section 1 of the Substitute for Committee Senate Bill No. 209 offered by Mr. Johnson was resumed.

Section 2 was read.

Section 3 was read.

Section 4 was read.

Section 5 was read.

Mr. Perkins offered the following amendment to Substitute for Committee Senate Bill No. 209:

In Section 5, lines 2 and 3, strike out the words "and St. Johns."

Mr. Perkins moved the adoption of the amendment.

Mr. Zim moved to lay the amendment on the table.

Which was not agreed to.

The question recurred upon the adoption of the amendment.

The amendment was not agreed to.

Section 6 was read.

Mr. Perkins offered the following amendment to Substitute for Committee Senate Bill No. 209:

In Section 6, line 3, after the word "Lake," insert the following: "and Orange."

Mr. Perkins moved the adoption of the amendment.

Which was not agreed to.

Section 7 was read.

Section 8 was read.

Mr. Hudson offered the following amendment to—

Substitute Senate Bill No. 209:

Insert in Section 8 at the end thereof the following: "Palm Beach and Dade."

Mr. Hudson moved the adoption of the amendment.

Which was not agreed to.

Mr. Perkins offered the following amendment to—

Substitute to Senate Bill No. 209:

In Section 8, line 2, strike out the word "Orange," and insert in lieu thereof the following: "St. Johns."

Mr. Perkins moved the adoption of the amendment.

Which was not agreed to.

Section 9 was read.

Section 10 was read.

Section 11 was read.

Mr. Massey offered the following amendment to—

Substitute to Senate Bill No. 209:

In Section 11, line 2 of printed substitute, strike out the word "Osceola," and insert in Section 8, line 2, the word "Osceola," after the word "Orange."

Mr. Massey moved the adoption of the amendment.

Which was agreed to.

Section 12 was read.

Section 13 was read.

Section 14 was read.

Mr. Johnson moved to adopt the substitute for Senate Bill No. 209, as amended.

Which was agreed to.

And the substitute to Senate Bill No. 209, as amended, was adopted in lieu of the original bill and was referred to the Committee on Engrossed Bills.

By consent Mr. Adkins, Acting Chairman of Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 4, 1911.

*Hon. F. P. Cone,*

*President of the Senate.*

*Sir:*

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 135:

An Act relating to the judgments and decrees of the Court of Record of Escambia County, Florida.

Also—

Senate Substitute for House Concurrent Resolution No. 21:

For the pardon of W. S. Harlan, S. E. Huggins, C. C. Hilton, Robert Gallagher and Walter E. Grace.

Has carefully examined the same and finds them correctly enrolled.

Very respectfully,

A. Z. ADKINS,  
Acting Chairman of Committee

And the Acts contained in the above report were referred to the Joint Committee on Enrolled Bills.

Mr. L'Engle moved to waive the rules and that Senate Joint Resolution No. 257 be taken up out of its order and be now considered.

Which was agreed to by a two thirds' vote.

And—

Senate Joint Resolution No. 257:

Proposing an amendment to Article 5 of the Constitution of the State of Florida relative to the Judiciary Department.

Was taken up.

Mr. L'Engle moved that the rules be waived and that

Senate Joint Resolution No. 257 be read a second time by its title only.

Which was agreed to by a two thirds' vote.

And Senate Joint Resolution No. 257 was read a second time by its title.

Mr. L'Engle moved that the rules be further waived and that Senate Joint Resolution No. 257 be read a third time and put upon its passage.

Which was agreed to by a two thirds' vote.

And Senate Joint Resolution No. 257 was read a third time in full, as follows:

Senate Joint Resolution No. 257:

A Joint Resolution proposing an amendment to Article V of the Constitution of the State of Florida relative to the Judiciary Department.

Be it resolved by the Legislature of the State of Florida, That the following amendment to Article V of the Constitution of the State of Florida, relative to the Judiciary Department, to be numbered Section 42 of said Article V, be and the same is hereby agreed to and shall be submitted to the electors of the State at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1912, for ratification or rejection, to-wit:

Section 42. There shall be another Judge of the Circuit Court of Duval County in addition to the Circuit Judge of the circuit in which said county is situated. Such additional Circuit Judge shall be appointed by the Governor and confirmed by the Senate, and shall hold office for six (6) years, and shall receive the same salary and allowances for expenses as other Circuit Judges, but the same shall be paid by the County of Duval out of the general revenue of said county. He shall have all the powers and perform all the duties that are or may be provided or prescribed by the Constitution or by statute for Circuit Judges, and all statutes concerning Circuit Judges shall apply to him. The distribution of the business of the Circuit Court of Duval County between the two Circuit Judges and the allotment or assignment of matters **and cases to be heard, decided, ordered, tried, decreed or adjudged shall be controlled or may when necessary by the Judge of said court, who shall have the older commission in force at the time.** Such additional Circuit Judge shall **reside in Duval County.**

Upon call of the roll on the passage of Senate Joint Resolution No. 259 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—29.

Nays—None.

So Senate Joint Resolution No. 257, having received the constitutional majority of three fifths of all members elected\* to the Senate, was passed, title as stated, and under a waiver of the rules by a two thirds' vote the same was ordered to be certified to the House of Representatives immediately.

Mr. Broome moved to waive the rules and that Senate Bill No. 166 be taken up from its order and be now considered.

Which was agreed to by a two thirds' vote, and—  
Senate Bill No. 166:

A Bill to be entitled An Act to aid the Florida division of Confederate Veterans to erect in this State a monument or memorial in honor of the women of Florida and of the South in memory of their heroism, devotion and self-sacrifice during the Civil War in 1861-1865, and to appropriate five thousand dollars therefor.

Was taken up.

Mr. Broome moved that the rules be waived and that Senate Bill No. 166 be read a second time by its title only.

Which was agreed to by a two thirds' vote.

And Senate Bill No. 166 was read a second time by its title only.

Mr. Broome moved that the rules be further waived and that Senate Bill No. 166 be read a third time and put upon its passage.

Which was agreed to by a two thirds' vote.

And Senate Bill No. 166 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Finlayson, Hilburn, Hosford, Hudson, Humphries, Malone, Massey, McCreary, McMullen, Miller, Perkins, Sloan, Stokes, Withers, Zim—22.



Nays—Mr. President, Senators Henderson, Johnson, L'Engle, McLeod—5.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives.

Senate Bill No. 179:

A Bill to be entitled An Act making it a misdemeanor for any person or persons to operate any hotel, boarding house or restaurant within this State without keeping all doors, windows and other similar openings in dining rooms, kitchen and passage ways between same screened, and fixing a penalty for failure to comply with the provisions of this Act.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 179 the vote was:

Yeas—Senators Adkins, Baker, Calkins, Carney, Davis, Dayton, Henderson, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McLeod, McMullen, Sloan, Withers—17.

Nays—Mr. President, Senators Broome, Cook, Finlayson, Hilburn, L'Engle, McCreary, Miller, Perkins, Stokes, Wilson, Zim—13.

So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives under the rules.

Mr. Henderson moved to reconsider the vote by which Senate Bill No. 179 passed the Senate.

Which went over under the rules.

By Mr. Stokes (by unanimous consent)—

Senate Bill No. 365:

A Bill to be entitled An Act for the relief of A. M. McMillan and J. R. Stewart.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Perkins (by unanimous consent)—

Senate Bill No. 366:

A Bill to be entitled An Act to establish a reservation for the protection and propagation of shad, mullet, sturgeon and other food fishes of all kinds in the waters of the St. Johns River and tributaries and adjacent waters between the north line of Township No. 12 South, Range No. 26 East, and the south line of Township No. 13 South,

Range 26 East, establishing the boundaries of said reservation, and prescribing penalties for violation of the provisions thereof.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

Mr. Perkins moved that the Senate do now adjourn.

Upon the question a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Calkins, Cook, Finlayson, Henderson, Hilburn, L'Engle, McCreary, Perkins, Wilson—11.

Nays—Mr. President, Senators Baker, Broome, Carney, Davis, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McLeod, McMullen, Miller, Sloan, Stokes, Withers, Zim—17.

So the motion was not agreed to.

By permission—

Mr. Adkins, Acting Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 4, 1911.

*Hon. F. P. Cone,*  
*President of the Senate.*

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 135:

An Act relating to the judgments and decrees of the Court of Record of Escambia County, Florida.

Also—

Senate Substitute for—

House Concurrent Resolution No. 21:

For the pardon of W. S. Harlan, S. E. Huggins, C. C. Hilton, Robert Gallagher and Water E. Grace.

Has carefully examined the same and finds them correctly enrolled.

Very respectfully,

A. Z. ADKINS.

Acting Chairman of Committee.

The Acts contained in the above report, were ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives, for the signature of the Speaker and Chief Clerk thereof.

## Senate Bill No. 14:

A Bill to be entitled An Act to regulate the sale or furnishing of intoxicating liquors, wines or beer and prescribing a penalty for the violation of certain of its provisions.

Was taken up.

An error was found in the bill and the same was ordered to be re-engrossed to cover the amendments made to same.

Mr. Davis moved that the bill retain its place on the Calendar after being re-engrossed, and that its consideration become the unfinished business on the Calendar for tomorrow.

Which was agreed to.

By permission—

Mr. Adkins, Acting Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 4, 1911.

*Hon. F. P. Cone,*

*President of the Senate.*

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

## House Bill No. 90:

An Act to abolish the present municipal government of the Town of Trenton, in the County of Alachua, and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Trenton, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges, and for the exercise of same.

Begs to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

A. Z. ADKINS.

Acting Chairman of Committee.

By permission, Mr. Adkins, Acting Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 4, 1911.

*Hon. F. P. Cone,*  
*President of the Senate.*

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 112:

An Act relating to the drainage of certain lands in Putnam County, Florida; establishing a drainage district; creating a Board of Drainage Commissioners, and prescribing its powers and duties; establishing a drainage system by the cutting of canals and constructing and maintaining canals and levees for the purpose of drainage; levying a drainage tax; relating to the assessment of lands to be drained and benefited; the collection of necessary funds by assessment of benefits and taxation of lands within said drainage district for the drainage and improvement of said lands and for the exercise of the right of Eminent Domain.

Has carefully examined the same and finds it correctly enrolled.

Very respectfully,

A. Z. ADKINS,  
Acting Chairman of Committee.

The Act contained in the above report was ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives, for the signatures of the Speaker and Chief Clerk thereof.

Senate Bill No. 152:

A Bill to be entitled An Act to provide for quieting title to real estate sold for State and county taxes.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 152 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Carney, Dayton, Hilburn, Hudson, Humphries, Malone, Massey, McCreary, McLeod, McMullen, Miller, Sloan, Wilson. Withers, Zim—20.

Nays—Senators Calkins, Finlayson, Henderson, Horsford, L'Engle, Stokes—6.

So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives under the rule immediately.

Senate Bill No 100:

An Act defining the right of action for libel by publication in newspapers, magazines or periodicals and prescribing a rule of evidence in such cases.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 100 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Dayton, Finlayson, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, Maloue, Massey, McCreary, McLeod, McMullen, Miller, Sloan, Stokes, Wilson, Withers, Zim—25.

Nays—None.

So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives, under the rules, immediately.

Committee Senate Joint Resolution No. 202:

Proposing an amendment to Section 35, Article V of the Constitution of Florida, relating to the establishment of courts.

Was taken up and read the third time in full as follows:

Senate Joint Resolution No. 202:

A Joint Resolution proposing an amendment to Section 35 of Article V of the Constitution of Florida relating to the establishment of courts.

*Be It Resolved By the Legislature of the State of Florida:*

That the following amendment to Section 35 of Article V of the Constitution of Florida be and the same is hereby agreed to and shall be proposed and submitted to the electors of the State for approval or rejection at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1912; that is to say, said Section 35 of Article V of the Constitution shall be amended so as to read as follows:

Section 35. No courts other than herein specified shall be established in this State, except that the Legislature may provide for the creation and establishment of such additional Judicial Circuits as may from time to time

become necessary, and for the appointment by the Governor and confirmation by the Senate of additional Circuit Judges terefor, whose terms of office and general jurisdiction shall be the same as is herein provided for the Circuit Judges herein provided for, and may clothe any Railroad Commission with judicial powers in all matters connected with the functions of their office, and that the Legislature may create special tribunals to hear and determine violations of law by juveniles.

Upon the passage of Senate Joint Resolution No. 202, the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Dayton, Finlayson, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Stokes, Wilson, Withers, Zim—24.

Nays—None.

So Senate Joint Resolution No. 202, having received the constitutional majority of three-fifths of all the members elected to the Senate, was passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rules.

#### ENROLLED.

The President announced that he was about to sign—  
House Bill No. 90:

An Act to abolish the present municipal government of the Town of Trenton, in the County of Alachua, and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Trenton, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges, and for the exercise of same.

The Act was therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

The President announced that he was about to sign—  
House Bill No. 133:

An Act to authorize the State Board of Health of Florida to employ a sanitary engineer whenever the said Board may consider the necessities of sanitation in and about the State may so require, and to further provide for his compensation.

Also—

House Bill No. 350:

An Act to legalize and validate ordinance adopted by the City Council of the City of South Jacksonville on the 18th day of March, A. D. 1911, and approved by the Mayor of said city on the 20th day of March, A. D. 1911.

Also—

House Concurrent Resolution No. 13:

A Concurrent Resolution relating to the taxes for 1911 on the tract of land purchased for use as a State Prison Farm.

Also—

House Concurrent Resolution No. 22:

Memorializing Congress to build good roads.

Also—

House Bill No. 248:

An Act relating to the incorporation of the Town of Crescent City, fixing its boundaries, conferring on said town all the powers and privileges incident thereto under the laws of the State of Florida.

The Acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Senate Bill No. 143:

A Bill to be entitled An Act to amend the law relating to the liability of employers for injuries to their employees.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 143 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Carney, Cook, Hudson, McLeod, Zim—9.

Nays—Senators Calkins, Davis, Dayton, Finlayson, Henderson, Hosford, Humphries, L'Engle, Malone, McCreary, Stokes, Wilson—12.

So the bill failed to pass.

Mr. Stokes moved to reconsider the vote by which Senate Bill No. 143 failed to pass the Senate.

Which went over under the rules.

Senate Bill No. 187:

A Bill to be entitled An Act to punish indecent assaults on female persons.

Was taken up and read the third time in full.

Mr. Miller moved to indefinitely postpone the bill.

Which was agreed to.

By permission, Mr. Adkins, Acting Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 4, 1911.

*Hon. F. P. Cone,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 133:

An Act to authorize the State Board of Health of Florida to employ a Sanitary Engineer whenever the said board may consider the necessities of sanitation in and about the State may so require, and to further provide for his compensation.

Also—

House Bill No. 350:

An Act to legalize and validate an ordinance adopted by the City Council of the City of South Jacksonville on the 18th day of March, A. D. 1911, and approved by the Mayor of said city on the 20th day of March, A. D. 1911.

Also—

House Concurrent Resolution No. 18:

A Concurrent Resolution relating to the taxes for 1911 on the tract of land purchased for use as a State Prison Farm.

Also—

House Concurrent Resolution No. 22:

Memorializing Congress to build good roads.

Also—

House Bill No. 248:

An Act relating to the incorporation of the Town of Crescent City, fixing its boundaries, conferring on said town all the powers and privileges incident thereto under the laws of the State of Florida.

Begs to report that the same have been presented to the Governor for his approval.

Very respectfully,

A. Z. ADKINS,  
Acting Chairman of Committee.



By permission Mr. Adkins, Acting Chairman of Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 4, 1911.

*Hon. F. P. Cone,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 90:

An Act to abolish the present municipal government of the Town of Trenton, in the County of Alachua, and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Trenton, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges, and for the exercise of same.

Begs to report that the same has been presented to the Governor for his approval.

Very respectfully,

A. Z. ADKINS,  
Acting Chairman of Committee.

The Committee on Judiciary A reported favorably with amendment—

House Bill No. 46:

A Bill to be entitled An Act authorizing the use of the proceeds from an insurance policy where public property has been destroyed by a fire, or otherwise, for the purpose of replacing such property by construction or repair.

Amended as follows:

In title add "n" to the word "construction" in the title.  
Also—

In Section 1, line 5, strike out "purpoe" and insert therefor the following: "purpose."

The Committee on Judiciary A reported unfavorably—

Senate Bill No. 311:

A Bill to be entitled An Act to authorize and direct the State Board of Health to establish a hospital for the treatment of indigent crippled children, and providing an appropriation therefor.

The Committee on Judiciary A reported favorably on—  
Senate Bill No. 334:

A Bill to be entitled An Act to amend Section 1866 of the General Statutes of the State of Florida, concerning constructive service of process.

Amended as follows:

In Section 1, line 4, just before the word "obtaining" add the figure "1" and period, to-wit: "1."

Mr. Davis moved that the Senate do now adjourn to 10 o'clock tomorrow morning.

Which was agreed to.

Thereupon the Senate stood adjourned to 10 o'clock tomorrow morning.

## FRIDAY, MAY 5, 1911.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Davis, Dayton, Finlayson, Henderson, Hosford, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Wilson, Withers—25.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 4th was dispensed with.

The Journal of May 4th was corrected, and approved as corrected.

Mr. Zim was excused from attendance on account of illness.

The Messenger was excused for today.

Mr. Flournoy was excused until Monday afternoon.

The Committee on Constitutional Amendments reported—